

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re:	§	
	§	
DEEP MARINE HOLDINGS, INC.,	§	Case No. 09-39313
Et al.	§	
	§	Jointly Administered
Debtors.	§	Chapter 11

DEEP MARINE 1, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adversary No. 10-03271
	§	
THE DEEP MARINE LIQUIDATING	§	
TRUST (AS SUCCESSOR TO DEEP	§	
MARINE TECHNOLOGY	§	
INCORPORATED, DEEP MARINE	§	
HOLDINGS, INC., DEEP MARINE 1,	§	
LLC, DEEP MARINE 2, LLC, DEEP	§	
MARINE 3, LLC, AND DEEP MARINE	§	
4, LLC); ET AL.	§	
	§	
Defendants.	§	

**GENERAL ELECTRIC CAPITAL CORPORATION'S
MOTION TO EXTEND DISCOVERY DEADLINE**

Defendant and Cross-Plaintiff, General Electric Capital Corporation ("GE") files this Motion to Extend the Discovery Deadline and, in support thereof, states as follows:

INTRODUCTION

1. This Court has entered a Comprehensive Scheduling Order ("Scheduling Order") setting the discovery deadline in this matter for March 15, 2011.

2. For the reasons set forth below, GE is requesting that this Court extend the discovery deadline by 30 days, or until April 15, 2011, so that discovery may be completed.

REASONS FOR EXTENSION OF THE DISCOVERY DEADLINE

3. Counsel for Otto Candies, LLC, Otto B. Candies, Jr., Otto B. Candies, III, Otto Candies, LLC, and Candies Shipbuilders, LLC (collectively, "Otto Candies") recently contacted counsel for GE requesting that the discovery deadline in this matter be extended for months. GE disagrees to extending the discovery deadline beyond 30 days but will agree to an extension of the discovery deadline to April 15, 2011.

4. Counsel for GE has sent two emails to Otto Candies requesting available dates to depose Otto Candies, Jr., Otto Candies III, Paul Candies, and take the corporate deposition of Otto Candies, and have yet to receive a single available date. ("Emails attached hereto as Exhibit "1.") GE anticipates that these depositions cannot all be scheduled prior to the current March 15, 2011 discovery deadline, but can be scheduled prior to April 15, 2011.

5. McKool Smith PC ("McKool Smith") recently advised all counsel that it had 270 boxes of documents that it will make available for review and copying the week of February 21, 2011, which GE believes may contain evidence regarding the claims and cross-claims in this adversary proceeding. It will take time beyond the current March 15, 2011 deadline for GE to review 270 boxes of documents in preparation for trial.

6. Finally, Paul McKim's deposition has been scheduled for February 25, 2011 and counsel for McKool Smith has advised that it will use most of the 7 hour allotment provided pursuant to Rule 30 of the Federal Rules of Civil Procedure to depose

Mr. McKim. Thus, motions will have to be filed with the Court to allow Mr. McKim's deposition to extend past the 7 hour limit to allow an opportunity for all parties to depose Mr. McKim. GE is concerned that, once the motions are heard, and presuming all parties are afforded an opportunity to depose Mr. McKim, Mr. McKim may not be available for a deposition prior to the current March 15, 2011 discovery deadline.

REQUEST FOR RELIEF

7. Based on the foregoing reasons, GE requests that this Court extend the discovery deadline from March 15, 2011 to April 15, 2011.

8. This adversary proceeding is currently set for trial on June 6, 2011. Thus, extending the discovery deadline until April 15, 2011, will not prejudice any of the parties as they prepare for trial.

9. The relief requested in this Motion is not sought for purposes of delay, but in the interest of justice.

WHEREFORE, GE requests that this Court enter an Order GRANTING its Motion to Extend the Discovery Deadline from March 15, 2011 to April 15, 2011 and for all other relief to which GE may be entitled in law and equity.

Respectfully submitted,

ADAMS AND REESE LLP

By: /s/ Susan C. Mathews

John Duck^{*}

Federal Bar No. 17156

Susan C. Mathews

State Bar No. 05060650

FBN: 8479

Michael N. Mire

State Bar No. 24010757

FBN: 599148

4400 One Houston Center

1221 McKinney

Houston, TX 77010

Telephone: (713) 652-5151

Facsimile: (713) 652-5152

*Attorneys for Defendant and Cross-Plaintiff,
General Electric Capital Corporation*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served electronically via the Court's ECF notice on the parties listed below on this 18th day of February, 2011:

/s/ Susan C. Mathews

Susan C. Mathews

^{*} Admitted in the State of Louisiana.

SERVICE LIST

<p><u>Counsel for Plaintiff – Deep Marine 1, LLC</u> William Alfred Wood, III Bracewell & Giuliani LLP 711 Louisiana St, Ste 2300 Houston, TX 77002 713-221-1416 Fax : 713-221-1212 Email: trey.wood@bgllp.com</p> <p>Jason Gary Cohen Bracewell & Giuliani LLP 711 Louisiana St, Ste 2300 Houston, TX 77002 713-221-1416 Fax : 713-222-3209 Email: jason.cohen@bgllp.com</p>	<p><u>Deep Marine Liquidating Trust</u> John Bittner, Liquidating Trustee Grant Thornton LLP 1717 Main Street Suite 1500 Dallas TX 75201 214-561-2300 Fax: 214-561-2370 Email: John.Bittner@GT.com</p>
<p><u>Counsel for Defendant – Otto Candies, LLC</u> Thomas S Henderson, III Thomas S Henderson, Attorney at Law 711 Louisiana, Ste 3100 Houston, TX 77002 713-227-9500 Fax: 713-620-3023 Email: thenderson@tsh-atty.com</p>	<p><u>Defendant – NREC Power Systems, Inc.</u> Bryan F. Chaisson CEO/Vice President 5222 Hwy 311 Houma, LA 70360-2878</p> <p>Kip Crighton 985-851-4743 Email: Alexander@cajunnet.net</p>